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Attorneys for Defendant SECRETARY OF  
 THE DEPARTMENT OF HOMELAND  
 SECURITY

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

K. H., C.V., W.L., J.M., JEFFREY BOYER,  
 BRIAN PIEROG, DONNA BAXTER,  
 RICHARD DEVIVO, and GARY  
 MCCONAGHY, on behalf of themselves and  
 those similarly situated,

Plaintiffs,

v.

THE SECRETARY OF THE DEPARTMENT  
 OF HOMELAND SECURITY,

Defendant.

Case No. 15-cv-02740 JST

**STIPULATION AND ~~PROPOSED~~ ORDER  
 REGARDING CASE SCHEDULE**

The Honorable Jon S. Tigar

The parties respectfully request a three-week extension of the current case deadlines. (ECF 42.)

The parties have been working diligently to move this case along. Since the last conference with the Court: both sides have propounded and responded to additional, written discovery; defendants have produced over 12,000 pages of documents; 5 depositions have been taken (3 Federal Air Marshals, and 2 management representatives); the class list has been compiled and, on August 5, 2016, class notice was mailed out. Notwithstanding these efforts, some unanticipated delay has occurred with respect to plaintiff's retention of an expert and the process of getting the expert's background checked and Transportation Security

Administration clearance to receive Sensitive Security Information. Accordingly, plaintiffs need an additional three weeks to prepare their expert report. Defendant has no objection to a three-week extension, provided that all related case deadlines move in tandem. The parties thus respectfully request that the Court re-set the current case deadlines as follows:

<b><u>SCHEDULE EVENT</u></b>	<b><u>CURRENT DATE</u></b>	<b><u>NEW DATE</u></b>
Plaintiffs' Expert Disclosures (FRCP 26(a)(2))	August 15, 2016	September 6, 2017
Defendant's Expert Disclosures (FRCP 26(a)(2))	October 17, 2016	November 7, 2017
Deadline for Dispositive Motion Depositions	December 2, 2016	December 23, 2016
Filing Deadline for Defendant's Summary Judgment Motion (under seal, redacted version filed within 30 days) <sup>1</sup>	January 13, 2017	February 3, 2017
Filing Deadline for Plaintiff's Opposition to Defendant's Summary Judgment Motion (under seal, redacted version filed within 30 days)	February 10, 2017	March 3, 2017
Filing Deadline for Defendant's Reply in Support of Summary Judgment Motion (under seal, redacted version filed within 30 days)	March 8, 2017	March 29, 2017
Hearing on Defendant's Summary Judgment Motion	March 30, 2017 at 2:00 p.m.	April 20, 2017 at 2:00 p.m.

<sup>1</sup> Many of the documents regarding the Federal Air Marshal Service's operations contain Sensitive Security Information ("SSI"), as defined by federal regulation, 49 C.F.R. § 1520.5. TSA has a SSI Program Office that reviews court filings for SSI redaction. *See generally* 49 C.F.R. § 1520.5. Otherwise, "records containing SSI are not available for public inspection or copying." 49 C.F.R. § 1520.15. In order to protect this SSI, the parties request that they initially be permitted to file their class certification briefing under seal. Both sides' briefs will then be reviewed by the SSI Program Office for redactions, and publicly-available versions filed within 30 days.

1 DATED: August 15, 2016

Respectfully submitted,

2 BRIAN J. STRETCH  
United States Attorney

3 /s/ Wendy M. Garbers  
4 WENDY M. GARBERS  
Assistant United States Attorney  
5 Attorneys for Defendant

6 DATED: August 15, 2016

MORRIS POLICH & PURDY LLP

8 /s/ Nicholas M. Wieczorek \*  
9 NICHOLAS M. WIECZOREK  
Attorneys for Plaintiff

10 *\*In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury*  
11 *that all filers have concurred in the filing of this document.*

12 **[PROPOSED] ORDER**

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14 Pursuant to the parties' stipulation, IT IS SO ORDERED.

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16 Dated: August 16, 2016

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19 THE HONORABLE JON S. TIGAR